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**HOUSE COMMITTEE AMENDMENTS**

2019 Regular Session

Amendments proposed by House Committee on House and Governmental Affairs to  
Original House Bill No. 563 by Representative Gregory Miller

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1 AMENDMENT NO. 1

2 On page 1, line 3, delete "511(B),"

3 AMENDMENT NO. 2

4 On page 1, at the end of line 5 delete "and" and at the beginning of line 6, delete "1375," and  
5 insert "1351(9), 1353(B) and (C)(1) and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375,  
6 and 1433(A) and (B),"

7 AMENDMENT NO. 3

8 On page 1, line 7, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert "1351(14),"

9 AMENDMENT NO. 4

10 On page 1, at the beginning of line 8, delete "18:469, 573(D)," and insert "18:573(D),  
11 1351(2), (3), and (6), 1355,"

12 AMENDMENT NO. 5

13 On page 2, line 4, after "election expenses;" and before "to provide for" insert the following:

14 "to provide for definitions; to provide relative to rulemaking by the secretary of state;  
15 to provide relative to the examination, testing, evaluation, certification, approval,  
16 procurement, and requirements for voting systems and system components; to  
17 provide relative to the preparation of voting machines for an election; to provide  
18 relative to a revote caused by the malfunction of certain voting equipment;"

19 AMENDMENT NO. 6

20 On page 2, line 8, delete "511(B),"

21 AMENDMENT NO. 7

22 On page 2, line 10, after "(F)(4)," delete "and 1375" and insert "1351(9), 1353(B) and (C)(1)  
23 and (2), 1354(B)(3), 1361, 1362(A), 1373(A)(5), 1375, and 1433(A) and (B)"

24 AMENDMENT NO. 8

25 On page 2, line 11, after "572(A)(1)(b)(viii)," and before "1400.3(E)(7)," insert "1351(14),"

26 AMENDMENT NO. 9

27 On page 6, delete lines 18 through 26

28 AMENDMENT NO. 10

29 On page 13, between lines 3 and 4, insert the following:

30 "§1351. Definitions

1 As used in this Chapter, unless otherwise specified, the following terms shall  
 2 have the meanings herein ascribed to each:

3 \* \* \*

4 (9) "Protective counter" means a counter, tabulator, or protective device that  
 5 will register each time the machine is operated during the life of the machine.

6 \* \* \*

7 (14) "Voting system" means the total combination of equipment, including  
 8 voting machines, used to define ballots, cast and count votes, report or display  
 9 election results, and maintain and produce any auditable data and the software,  
 10 firmware, hardware, and documentation required to program, control, and support  
 11 such equipment. "Voting system" also includes the vendor's practices and  
 12 documentation used to identify system components and versions of such  
 13 components, test the system during its development and maintenance, maintain  
 14 records of system errors and defects, determine specific system changes made after  
 15 initial certification, and make available any materials to the voter.

16 \* \* \*

17 §1353. Secretary of state; powers and duties; voting ~~machines~~ systems and system  
 18 components; voter registration

19 \* \* \*

20 B. The secretary of state ~~shall~~ may prescribe uniform rules and regulations  
 21 with respect to matters pertaining to the procurement, preparation, and use of voting  
 22 ~~machines and absentee by mail and early voting counting equipment~~ systems in the  
 23 conduct of elections and the duties of each category of persons charged with  
 24 responsibility for any matter relating to the voting machines or absentee by mail and  
 25 ~~early voting counting equipment~~ systems. The rules and regulations shall be  
 26 approved by the attorney general and thereafter shall be distributed by the secretary  
 27 of state to the election officials having responsibilities relating to elections. The  
 28 rules and regulations shall be applied uniformly throughout the state.

29 C. In addition to any other duties and functions now or hereafter provided  
 30 by law, the secretary of state shall:

31 (1) Determine general policy and supervise the administration and execution  
 32 of the laws relating to voting ~~machines~~ systems.

33 (2) Be responsible for all procurement, sales, and transfers of voting  
 34 ~~machines and absentee by mail and early voting counting equipment~~ systems and  
 35 system components and for all matters in connection with issuing competitive bids  
 36 or requests for proposals or the advertising for and opening of bids for or in  
 37 connection therewith.

38 \* \* \*

39 §1354. Parish custodian of voting machines; powers and duties; appointment of  
 40 deputy custodians

41 \* \* \*

42 B. In addition to any other duties vested in him by law, the parish custodian  
 43 shall:

44 \* \* \*

45 (3) Certify that the ~~candidate counters, question counters, and public~~  
 46 ~~counters~~ are set at zero on the machines, and certify to the number on the protective  
 47 counter or device of the machines prior to the election, as provided in R.S. 18:1373.

48 \* \* \*

49 §1361. Approval of ~~machines and equipment~~ voting systems or system components;  
 50 certificate; expenses of examination

51 A. The secretary of state may examine any type or make of voting ~~machine~~  
 52 system or system component upon the request of a representative of the maker or  
 53 supplier thereof, ~~and if he~~ If the secretary of state determines that the machine  
 54 voting system or system component complies with the requirements of this Chapter  
 55 and that it meets standards acceptable to him as to durability, accuracy, efficiency,  
 56 and capacity, he shall approve that ~~type or make of machine~~ voting system or system  
 57 component for use in this state and shall issue his certificate of approval thereof.  
 58 Any voting system procured or used in the state shall include a sound-creating device  
 59 which will audibly indicate that a voter has left the machine after casting his vote and

1 allow for the challenge removal of early voting ballots and may include a voter  
 2 verification mechanism. In addition, any ~~electronic~~ voting machine system or  
 3 system component procured or used in the state must have been certified according  
 4 to the voluntary voting system guidelines developed and maintained by the United  
 5 States Election Assistance Commission by a voting system test laboratory accredited  
 6 by the United States Election Assistance Commission. This certificate, together with  
 7 any relevant reports, drawings, and photographs, shall be a public record.

8 ~~B. Any absentee by mail and early voting counting equipment to be procured~~  
 9 ~~for use in this state shall be certified by the secretary of state as meeting standards~~  
 10 ~~acceptable to him as to durability, accuracy, efficiency, and capacity.~~

11 ~~C.~~ The secretary of state may employ experts to assist him in making the  
 12 examination provided for in this Section. The expenses of the services of such  
 13 experts, not to exceed a total of five hundred dollars, shall be paid prior to the  
 14 examination by the person requesting examination of the machine voting system or  
 15 system component. Experts employed in the examination shall sign the certificate  
 16 of approval made by the secretary of state. No machine voting system or system  
 17 component shall be used at any election which has not been approved by the  
 18 secretary of state as ~~herein provided~~ in this Section.

19 §1362. Method of procuring voting machines systems or system components; parts  
 20 and supplies; and of contracting for the maintenance of voting machines

21 A.(1) All voting machines systems or system components used in this state  
 22 shall be procured by the secretary of state, out of state funds appropriated for that  
 23 purpose, on the basis of a competitive request for proposals process or public bids  
 24 submitted to the secretary of state in accordance with specifications prepared by him.  
 25 The specifications may require tests and examinations of the operation of the  
 26 machines voting systems or system components, and the secretary of state, for that  
 27 purpose, may employ experts to report thereon and charge the expense thereof to the  
 28 responders or bidders. Advertisement and letting of contracts for the procurement  
 29 of voting machines systems or system components shall be in accordance with the  
 30 Louisiana Procurement Code contained in Chapter 17 of Title 39 of the Louisiana  
 31 Revised Statutes of 1950.

32 (2) Notwithstanding any provision of law to the contrary, particularly the  
 33 provisions of Chapter 17 of Title 39 of the Louisiana Revised Statutes of 1950, the  
 34 secretary of state is authorized to procure directly from the supplier, through the  
 35 Department of State, voting machine systems or system components, parts, supplies,  
 36 and other election paraphernalia and to contract with the manufacturer through the  
 37 Department of State for the maintenance of the voting machines systems or system  
 38 components.

39 \* \* \*

40 §1373. Notice of preparation of machines for election; preparation of machines for  
 41 election; testing and adjusting; examination by candidate or his  
 42 representative; securing and sealing machines

43 A.

44 \* \* \*

45 (5) After the machines have been prepared and tested by the secretary of  
 46 state and examined by each candidate or representative, citizen, or parish board  
 47 member who is present, the parish custodian shall enclose the registration books or  
 48 lists and other paraphernalia and shall forthwith seal each machine with a numbered  
 49 seal. At that time, the parish custodian, in the presence of the candidates or their  
 50 representatives, parish board members, and any citizens who are present, shall certify  
 51 to the numbers of the machines; ~~that all of the public, candidate, and question~~  
 52 ~~counters are set at zero;~~ ~~and as to the number registered on the protective counter~~  
 53 ~~of the machine.~~

54 \* \* \*"

55 AMENDMENT NO. 11

56 On page 14, between lines 5 and 6, insert the following:

1        "§1433. Revote in precincts ~~where voting machine~~ because of malfunctions if result  
 2            ~~cannot be otherwise ascertained~~

3            A. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy  
 4            sufficient to change the result of the election between the total votes cast at an  
 5            election and the votes counted for the candidates in the election or for or against the  
 6            recall of a public officer occurs as a result of ~~a~~ the malfunction of a voting machine  
 7            ~~malfunction~~ or results tape and results cartridge, and an accurate count of the votes  
 8            cast on the malfunctioning machine or results tape and results cartridge cannot be  
 9            determined by the offering of circumstantial evidence or any other evidence, the  
 10           court shall order a revote in the precinct where the voting machine or results tape and  
 11           results cartridge malfunctioned, which shall be limited to those persons listed on the  
 12           poll list as having cast their ballots in person at the polls in the election in which the  
 13           machine or results tape and results cartridge malfunctioned.

14           B. Notwithstanding the provisions of R.S. 18:1432, if a discrepancy  
 15           sufficient to change the result of the election between the total votes cast at an  
 16           election and the votes counted for the candidates in the election or for or against the  
 17           recall of a public officer occurs as a result of the malfunction of a voting machine or  
 18           results tape and results cartridge used for early voting, and an accurate count of the  
 19           votes cast on the malfunctioning machine or results tape and results cartridge cannot  
 20           be determined by the offering of circumstantial evidence or any other evidence, the  
 21           court shall order a revote of electronic early voting ballots in the parish where the  
 22           voting machine or results tape and results cartridge used for early voting  
 23           malfunctioned, which shall be limited to those persons who voted during early voting  
 24           in the election.

25                                           \*       \*       \*"

26    AMENDMENT NO. 12

27    On page 15, line 27, after "R.S." delete "18:469, 573(D)," and insert "18:573(D), 1351(2),  
 28    (3), and (6), 1355,"

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.